

**05-7664 REYMUNDO TOLEDO-FLORES V. UNITED STATES**

DECISION BELOW: Unpublished

LOWER COURT CASE NUMBER: 04-41378

**QUESTION PRESENTED**

Has the Fifth Circuit erred in holding - in opposition to the Second, Third, Sixth, and Ninth Circuits - that a state felony conviction for simple possession of a controlled substance is a "drug trafficking crime" under 18 U.S.C. § 924(c) (2) and hence an "aggravated felony," under 8 U.S.C. § 1101(a) (43) (B), even though the same crime is a misdemeanor under federal law?

Cert. granted 4/3/06

Consolidated with 05-547 and one hour allotted for oral argument.

**05-547 LOPEZ V. GONZALES, ATTORNEY GENERAL**

DECISION BELOW: 417 F.3d 934 (8th Cir. 2005)

LOWER COURT CASE NUMBER: 04-2397

**QUESTION PRESENTED**

Whether an immigrant who is convicted in state court of a drug crime that is a felony under the state's law but that would only be a misdemeanor under federal law has committed an "aggravated felony" for purposes of the immigration laws.

Cert. granted 4/3/06

Consolidated with 05-7664 and one hour allotted for oral argument.